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10 Attorneys for Defendants  
11 AMERICA'S WHOLESALE LENDER; DEUTSCHE BANK  
NATIONAL TRUST COMPANY, as Trustee for the Harborview  
12 Mortgage Loan Trust 2006-5; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; BANK OF AMERICA, N.A.,  
successor by merger to BAC Home Loans Servicing, LP; and  
13 RECONTRUST COMPANY, N.A.

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 ATILIO ARMENI, individual,  
17 Plaintiff,

18 vs.

19 AMERICA'S WHOLESALE LENDER;  
DEUTSCHE BANK NATIONAL  
20 TRUST COMPANY, AS TRUSTEE  
FOR THE HARBORVIEW  
21 MORTGAGE LOAN TRUST 2006-5;  
MORTGAGE ELECTRONIC  
22 REGISTRATION SYSTEMS, INC.;  
BANK OF AMERICA, AS  
23 SUCCESSOR BY MERGER TO BAC  
HOME LOANS SERVICING, LP;  
RECONTRUST COMPANY, N.A.;  
24 and Does 1 – 10, inclusive,

25 Defendants.

Case No.: 8:11-CV-01317 DOC (SHx)  
Hon. David O. Carter  
Ctrm. 9-D

**DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE OF CERTIFIED  
OFFICIAL RECORDS IN SUPPORT  
OF MOTION TO DISMISS  
PLAINTIFF'S THIRD AMENDED  
COMPLAINT**

Date: April 16, 2012  
Time: 8:30 a.m.  
Ctrm.: 9-D

Complaint Filed: August 31, 2011

1 Defendants, DEUTSCHE BANK NATIONAL TRUST COMPANY, as  
2 Trustee for the Harborview Mortgage Loan Trust 2006 5, MORTGAGE  
3 ELECTRONIC REGISTRATION SYSTEMS, INC., BANK OF AMERICA, N.A.,  
4 successor by merger to BAC Home Loans Servicing, LP and to Countrywide Home  
5 Loans, Inc. dba AMERICA'S WHOLESALE LENDER, and RECONTRUST  
6 COMPANY, N.A., hereby request this Court take judicial notice of the following  
7 certified publicly recorded official records in support of their Motion to Dismiss  
8 pursuant to Rules 201 and 902(4) of the Federal Rules of Evidence. Rule 902(4)  
9 states in pertinent part as follows:

10 Extrinsic evidence of authenticity as a condition  
11 precedent to admissibility is not required with respect to  
12 the following:  
\* \* \*

13 **(4) Certified Copies of Public Records**

14 A copy of an official record or report or entry therein, or  
15 of a document authorized by law to be recorded or filed  
16 and actually recorded or filed in a public office . . .  
17 certified as correct by the custodian or other person  
18 authorized to make the certification . . .

19 Pursuant to Federal Rule 902(4), the following certified copies of public  
20 records are self-authenticating and should be admitted into evidence for their truth:

21 1. Deed of Trust recorded on May 5, 2006 as document number  
22 20060505-0096610 in the Ventura County Recorder's Office, California, a true and  
23 correct certified copy of which is attached hereto as Exhibit A.

24 2. Notice of Default recorded on November 1, 2010 as document number  
25 20101101-00168370 in the Ventura County Recorder's Office, California, a true  
26 and correct certified copy of which is attached hereto as Exhibit B.

27 3. Substitution of Trustee and Assignment of Deed of Trust recorded on  
28 November 5, 2010 as document number 20101105-00172655 in the Ventura  
County Recorder's Office, California, a true and correct certified copy of which is  
attached hereto as Exhibit C.

4. Notice of Trustee's Sale recorded on February 4, 2011 as document number 20110204-00019758 in the Ventura County Recorder's Office, California, a true and correct certified copy of which is attached hereto as Exhibit D.

DATED: March 6, 2012

SEVERSON & WERSON  
A Professional Corporation

By: /s/ Wendy L. Miele  
Wendy L. Miele

Attorneys for Defendants  
AMERICA'S WHOLESALE LENDER;  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, as Trustee for the Harborview  
Mortgage Loan Trust 2006-5;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
BANK OF AMERICA, N.A., successor by  
merger to BAC Home Loans Servicing, LP;  
and RECONTRUST COMPANY, N.A.

## **CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Irvine, California; my business address is SEVERSON & WERSON, THE ATRIUM, 19100 VON KARMAN AVE., SUITE 700, IRVINE, CA 92612-6578.

On the date below I served a copy, with all exhibits, of the following document(s): **DEFENDANTS' REQUEST FOR JUDICIAL NOTICE OF CERTIFIED OFFICIAL RECORDS IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT** on all interested parties in said case addressed as follows:

- **Hazel S Chu**  
hazel@prosperlaw.com
- **Gordon Flint Dickson**  
gfdickson@prosperlawcorp.com
- **Deborah P Gutierrez**  
deborah@prosperlaw.com, michael@prosperlaw.com,  
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**(BY ELECTRONIC SERVICE)** Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's EC/ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Irvine, California, on March 6, 2012.

By: /s/ Wendy L. Miele  
Wendy L. Miele